

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DATANET, LLC,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 2:22-cv-01545-JNW

**JOINT STIPULATION AND ORDER
REGARDING STAY PENDING *INTER*
PARTES REVIEW**

**NOTED ON MOTION CALENDAR:
May 14, 2024**

1 WHEREAS, Plaintiff Datanet, LLC (“Datanet”) and Defendant Microsoft Corporation
2 (“Microsoft”) (collectively, “Parties”) are parties to the above-captioned case;

3 WHEREAS, in the above-captioned case, Datanet alleges that Microsoft has infringed and
4 is infringing one or more claims of each of U.S. Patent No. 8,473,478 (the “478 patent”), U.S.
5 Patent No. 9,218,348 (the “348 patent”), and U.S. Patent No. 10,585,850 (the “850 patent”)
6 (collectively, the “Asserted Patents”);

7 WHEREAS, Microsoft filed three petitions for *inter partes* review (“IPR”) on October 31,
8 2023 challenging the patentability of all asserted claims of the Asserted Patents;

9 WHEREAS, on November 1, 2023, Microsoft moved to stay this case pending institution
10 of the IPR proceedings (Dkt. 45), which the Court denied without prejudice pending institution
11 decisions on the IPRs (Dkt. 69);

12 WHEREAS, the Court has scheduled a technology tutorial to occur on May 31, 2024 and
13 a claim construction hearing for June 12, 2024 (Dkt. 72);

14 WHEREAS, the Court struck the trial date and related deadlines set forth in Dkt. Nos. 40
15 and 63, and the Court ordered the parties to file a joint status report, within ten days of receiving
16 the PTAB’s institution decisions, that includes proposed dates for the remaining case schedule
17 (Dkt. 72 at 2);

18 WHEREAS, the Patent Trial and Appeal Board (“PTAB”) instituted IPR for all asserted
19 claims of the Asserted Patents on May 8, 2024, and is expected to issue a final written decision
20 within one year thereafter;

21 WHEREAS, Microsoft indicated that it intends to move to stay this case pending final
22 resolution of the IPR proceedings and Datanet does not oppose such a stay;

23 WHEREAS, this case is in an early stage, claim construction has not yet occurred, and
24 courts in this district routinely stay patent litigation matters involving instituted PTAB proceedings
25 (*see, e.g., WAG Acquisition, LLC v. Amazon.com, Inc.*, No. 2:22-CV-1424JLR, 2023 WL 1991888,
26 at *2 (W.D. Wash. Feb. 14, 2023); *Uniloc 2017 LLC v. HTC Am., Inc.*, No. 2:18-CV-1732RSM,

2020 WL 7418076, at *2 (W.D. Wash. Dec. 18, 2020); *Supercell Oy v. Rothschild Digit. Media Innovations, LLC*, No. 2:15-CV-1119JLR, 2016 WL 9226493, at *2 (W.D. Wash. July 28, 2016));

WHEREAS, in the interest of avoiding unnecessary motion practice, and to conserve judicial resources, the Parties have agreed to stay this case pending final resolution of the IPR proceedings;

WHEREAS, this Court has previously approved such joint stipulations to stay a case pending final resolution of IPR proceedings (*see, e.g., humangear, inc. v. Industrial Revolution, Inc.*, No. 2:23-cv-00102, Dkt. 20 (W.D. Wash. July 28, 2023); *Surfcaster Inc. v. Microsoft Corp.*, No. 2:22-cv-01298, Dkt. 67 (W.D. Wash. Oc. 12, 2022); *Uniloc USA, Inc. v. HTC Am., Inc.*, No. 2:17-cv-1558, Dkt. 80 (W.D. Wash. Nov. 18, 2019));

IT IS HEREBY STIPULATED by the Parties, subject to approval of the Court, that

1. All proceedings in the above-captioned action shall be STAYED pending final resolution, including any appeals, of the IPR proceedings on the Asserted Patents;

2. The case schedule as set forth in the Minute Order (Dkt. 72) shall be vacated; and

3. The Parties shall file a Joint Status Report within 10 days of the later of: (i) the last of the three Final Written Decisions from the PTAB in the IPR proceedings, (ii) dismissal of the IPR proceedings, or (iii) other resolution of the IPR proceedings, including the conclusion of any appeals on the IPRs.

DATED this 14th day of May, 2024.

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Attorneys for Defendant Microsoft Corporation

1 **IT IS SO ORDERED.**

2 DATED this 15th day of May, 2024

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5 Jamal N. Whitehead
6 United States District Judge